

Heimdal, Monica

From: Palomares, Art
Sent: Wednesday, September 25, 2013 2:38 PM
To: Gaydosh, Mike; Sierra, Eddie; Lucas, Debra
Cc: Heimdal, Monica
Subject: Hot Topic
Attachments: Hot TopicBiancos.docx

See attached. Thanks!

Art Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

EPA REGION 8 TO ISSUE ADMINISTRATIVE ORDER FOR COMPLIANCE (AO) TO JAMES AND KAY BIANCO FOR UNAUTHORIZED DISCHARGES OF DREDGED AND FILL MATERIAL TO WATERS OF THE U.S. IN GRAND COUNTY, COLORADO.

Background: James and Kay Bianco (Respondents), or persons acting on their behalf, discharged unauthorized dredged and fill material to the East Inlet and its adjacent wetlands some time between early May and early June of 2011, in violation of the Clean Water Act (CWA). The East Inlet is a perennial tributary to Grand Lake. The work included the following:

1. Construction of an earthen berm and placement of about 70 cubic yards of rock riprap along approximately 120 linear feet of the north bank of the East Inlet;
2. Discharge of dredged or fill material to approximately 0.17 acre of palustrine scrub-shrub wetlands due to land leveling and the construction of a dirt berm along the north bank of the East Inlet channel.

Respondents did not obtain a permit from the U.S. Army Corps of Engineers prior to performing the work. On April 8, 2013, the EPA sent Respondents a notice of potential violation of the CWA, offering Respondents the opportunity to negotiate the terms of an administrative order on consent (AOC) with the EPA that would include steps to come into compliance with the CWA. Respondents have not indicated an interest in entering into an AOC. The AO requires compliance measures to correct the environmental damage resulting from the unauthorized discharges.

Contact: Monica Heimdal at 312-6359 or Peggy Livingston at 312-6858